

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

James Vandevender,

Civil File No. 0:18-CV-00607
(DWF/KMM)

Plaintiff,

vs.

**DEFENDANTS' MOTION TO
DISMISS**

Bruce Reiser, Deputy Commissioner Minnesota Department of Corrections, hereinafter MN DOC; Steven Hammer, former Warden and Chief Executive Officer at MN DOC Rush City, Minnesota facility; Captain Walter Sass; Lieutenant Sammy Burch, Sergeants Chris White and Trevor Sass; Correctional Officers Duwayne Dahl and Joshua Burdine, in their individual and official capacities,

Defendants.

Defendants Bruce Reiser, Steven Hammer, Walter Sass; Sammy Burch, Chris White, Trevor Sass, Duwayne Dahl and Joshua Burdine (“Defendants”) move the Court to dismiss Plaintiff’s Complaint (Doc. 1) against them for failure to state a claim upon which relief can be granted and for lack of subject matter jurisdiction.

This motion is made pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), and is based upon the files, records, and proceedings herein, including the memorandum of law filed herewith and all supporting documents.

Signature on page 2

Dated: April 4, 2018

OFFICE OF THE ATTORNEY GENERAL
State of Minnesota

s/ Kathryn Iverson Landrum

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